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Dkt. 40441-CY /JPW/JML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Walter P. Carney and Sara J. McKenzie
Serial No. : 08/488,180 Examiner : T. Scheiner
Filed : June 7, 1995 Group Art Unit : 1806
For : DETECTION, QUANTIFICATION OF NEU RELATED PROTEINS
IN THE BIOLOGICAL FLUIDS OF HUMANS

file
comm.

18D

1185 Avenue of the Americas
New York, New York 10036
October 16, 1997

Assistant Commissioner for Patents
Washington, D.C. 20231

OCT 21 1997

BOX: AF

Sir:

COMMUNICATION SUPPLEMENTING RESPONSE
TO APRIL 2, 1997 OFFICE ACTION

This Communication is submitted to supplement the Amendment in Response to April 2, 1997 Office Action and Petition for a Three-Month Extension of Time which was filed with the United States Patent and Trademark Office on October 2, 1997 in connection with the above-identified application.

On page 8 of the Amendment in Response to April 2, 1997 Office Action, applicants stated that Drebin et al. do not anticipate the claimed invention and that applicants would be submitting a Declaration Under 37 C.F.R. §1.132 which shows that the monoclonal antibody taught in Drebin et al., specifically, the 7.16.4 monoclonal antibody, does not react with human neu protein.

Accordingly, applicants submit herewith as Exhibit A, a copy of a Declaration of Arthur M. Bruskin Under 37 C.F.R. §1.132 signed March 26, 1993, which was originally filed in an application from which the subject application derives, i.e., U.S. Serial No.

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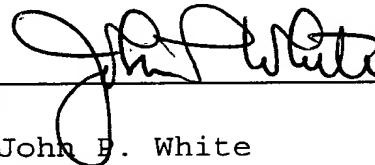
806,112, filed December 12, 1991, now U.S. Patent No. 5,401,638,
issued March 28, 1995.

In view of the discussion in the October 2, 1997 Amendment
regarding Drebin et al. and the copy of the Declaration submitted
herewith, applicants respectfully request that the Examiner
reconsider and withdraw the rejections of pending claims 13-24.

If a telephone interview would be of assistance in advancing
prosecution of the subject application, applicants' undersigned
attorney invites the Examiner to telephone him at the number
provided below.

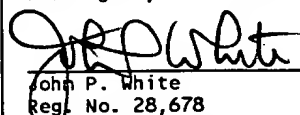
No fee is deemed necessary in connection with the filing of this
Supplemental Amendment. However, if any additional fee is
required, authorization is hereby given to charge the amount of any
such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence
is being deposited this date with the
U.S. Postal Service with sufficient
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 10/16/97
John P. White Date
Reg. No. 28,678